OCA 150004 PUBLISHED IN THE WICHITA EAGLE ON_____

ORDINANCE NO. 50-167

AN ORDINANCE CHANGING THE ZONING CLASSIFICATIONS OR DISTRICTS OF CERTAIN LANDS LOCATED IN THE CITY OF WICHITA, KANSAS, UNDER THE AUTHORITY GRANTED BY THE WICHITA-SEDGWICK COUNTY UNIFIED ZONING CODE, SECTION V-C, AS ADOPTED BY SECTION 28.04.010, AS AMENDED.

BE IT ORDAINED BY THE GOVERNING BODY
OF THE CITY OF WICHITA, KANSAS.

SECTION 1. That having received a recommendation from the Planning Commission, and proper notice having been given and hearing held as provided by law and under authority and subject to the provisions of The Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by Section 28.04.010, as amended, the zoning classification or districts of the lands legally described hereby are changed as follows:

Case No. ZON2016-00001

Zone change from SF-5 Single-family Residential ("SF-5") and LC Limited Commercial ("LC") to LI Limited Industrial ("LI") with Protective Overlay #304:

1. The following uses permitted in the LI Limited Industrial ("LI") zone district shall not be permitted on the subject property: funeral home, hotel or motel, kennel (boarding/breeding/training), marine facility (recreational), microbrewery, night club, parking area (commercial), pawnshop, recreation and entertainment (outdoor), tavern and drinking establishment, vehicle and equipment sales (outdoor), asphalt and concrete plant (general), gas and fuel storage and sales, landfill, mining or quarrying, oil or gas drilling, rock crushing, solid waste incinerator, transfer station, vehicle storage yard, agricultural processing, rodeos and sexually oriented business.

2. The subject property shall have an increased front building setback of 35 feet.

3. All outdoor storage uses on the subject property shall be screened on all sides by a solid screening wall or fence constructed of standard building materials customarily used for wall and fence construction such as brick, stone, concrete masonry, stucco, concrete, or wood.

On property generally located north of 21st Street North and west of Hoover; described as:

Lighthouse Addition, Wichita, Sedgwick County, Kansas.

SECTION 2. That upon the taking effect of this ordinance, the above zoning changes shall be entered and shown on the "Official Zoning Map" previously adopted by reference, and said official zoning map is hereby reincorporated as a part of the Wichita -Sedgwick County Unified Zoning Code as amended.

SECTION 3. That this Ordinance shall take effect and be in force from and after its adoption and publication in the official City paper.

ADOPTED this 13 day of Sept, 2016.

Jeff Longwell - Mayor

ATTEST;

Karen Sublett, City Clerk

(SEAL)

Approved as to form:

Jennifer Magana, City Attorney and Director of Law

Agenda Item No. _____

City of Wichita
City Council Meeting
March 22, 2016

TO: Mayor and City Council

SUBJECT: ZON2016-00001 – Zone Change from SF-5 Single-Family Residential and LC Limited Commercial to LI Limited Industrial with a Protective Overlay on Property Generally Located West of North Hoover Road, between 21st Street North and 23rd Street North (2241 and 2249 N. Hoover Rd.) (District VI)

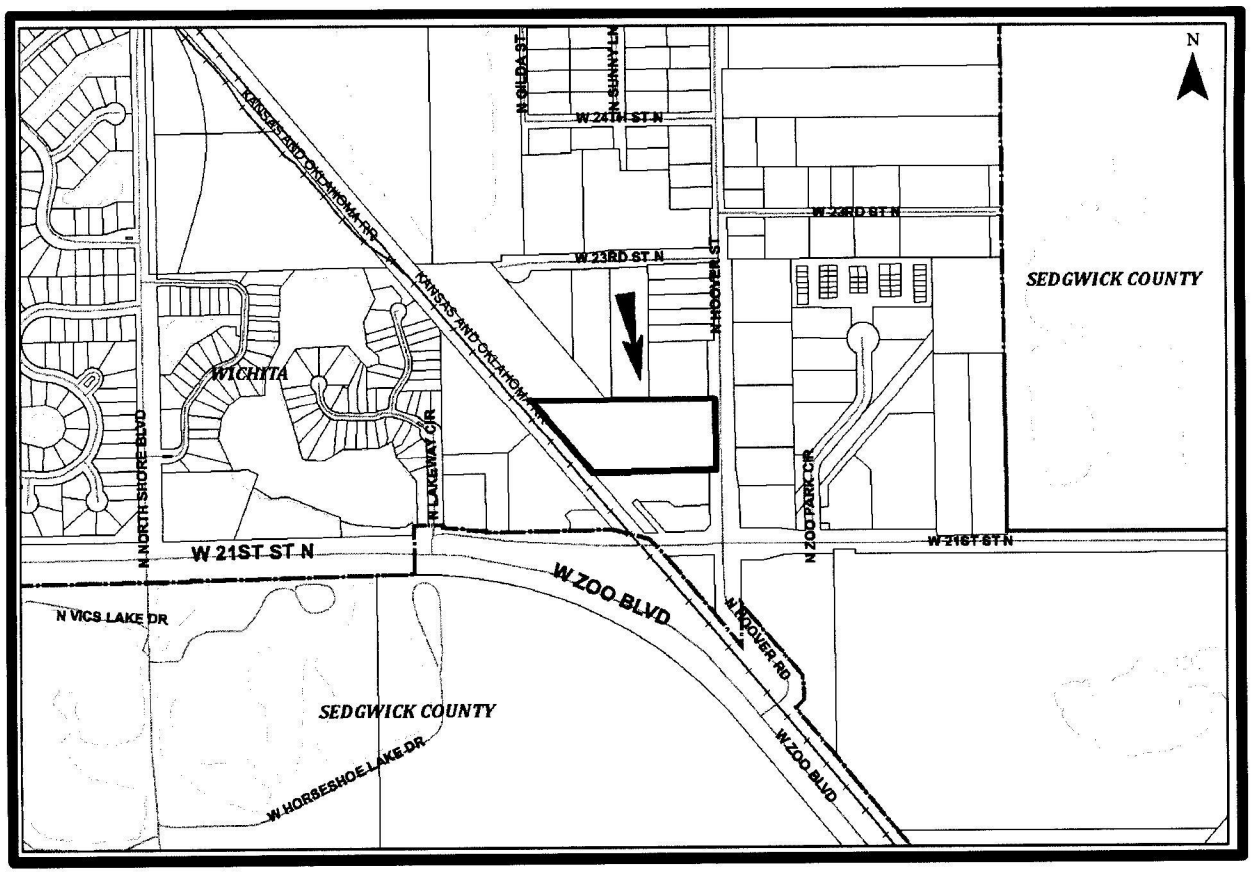
INITIATED BY: Metropolitan Area Planning Department DM

AGENDA: Planning (Consent)

MAPC Recommendation: The MAPC recommended approval of the request 11-0.

DAB Recommendation: District Advisory Board VI recommended approval of the request 7-0.

MAPD Staff Recommendation: Metropolitan Area Planning Department staff recommends approval of the request subject to Protective Overlay #304.



Background: The applicant requests a zone change from LC Limited Commercial ("LC") and SF-5 Single-family Residential ("SF-5") to LI Limited Industrial ("LI") on a 5.5 acre unplatted tract located north of 21st Street North, along the west side of North Hoover Road (2241 and 2249 N. Hoover Rd.) The subject site is currently developed with residential structures and various accessory structures. The applicant proposes to redevelop the property with wholesale and warehousing uses.

The surrounding area is characterized by mixed-use suburban-density residential and commercial/industrial development. Properties to the north are currently zoned LI and is developed with warehouse uses and a church. The property developed with the church was rezoned to LI in 2002 (ZON2002-00065). Property south of the subject site is zoned LC and is developed with an office. Directly west of the subject site is railroad right-of-way and on the other side of the railroad, the property is zoned GC General Commercial ("GC") which is developed with a strip office center. To the east of the subject site, across Hoover Road, the property is zoned LI (rezoned in 2000 ZON2000-00012) and is developed with warehouse-office combination and a vehicle repair service.

The developed industrial properties surrounding the subject site that required a rezone were approved with Protective Overlays that limit the uses and increased setbacks and screening standards. To maintain consistency with those other approvals, planning staff recommends that the subject property be developed under the same Protective Overlay provisions.

Analysis: On February 18, 2016, the Metropolitan Area Planning Commission (MAPC) recommended approval (11-0) of the application subject to platting and the following provisions of Protective Overlay #304:

1. The following uses permitted in the LI Limited Industrial ("LI") zone district shall not be permitted on the subject property: funeral home, hotel or motel, kennel (boarding/breeding/training), marine facility (recreational), microbrewery, night club, parking area (commercial), pawnshop, recreation and entertainment (outdoor), tavern and drinking establishment, vehicle and equipment sales (outdoor), asphalt and concrete plant (general), gas and fuel storage and sales, landfill, mining or quarrying, oil or gas drilling, rock crushing, solid waste incinerator, transfer station, vehicle storage yard, agricultural processing, rodeos and sexually oriented business.

2. The subject property shall have an increased front building setback of 35 feet.

3. All outdoor storage uses on the subject property shall be screened on all sides by a solid screening wall or fence constructed of standard building materials customarily used for wall and fence construction such as brick, stone, concrete masonry, stucco, concrete, or wood.

On February 17, 2016, District Advisory Board (DAB) VI reviewed the application and recommended approval 7-0.

No protest petitions have been received. The request can be approved with a simple majority vote.

Financial Considerations: Approval of this request will not create any financial obligations for the City.

Legal Considerations: The Law Department has reviewed and approved the ordinance as to form.

Recommendation/Actions: It is recommended that the City Council adopt the findings of the MAPC and approve the Zone Change with Protective Overlay #304, subject to platting within one year, (simple majority vote), and instruct the Planning Department to forward the ordinance for first reading when the plat is forwarded to the City Council.

Attachments: Ordinance, DAB Memo, MAPC minutes